

## **Guidance Regarding Non-public School Participation in Title III and Requirements for English Learners**

***Please note that this guidance is not meant to supersede federal regulations regarding non-public school participation in Title III, but rather to provide a concise summary. Please see Title IX, Part E Uniform Provisions Subpart 1 for the full text of non-regulatory guidance regarding equitable services for eligible non-public school students, teachers, and other education personnel at <http://www2.ed.gov/policy/elsec/guid/equitableseguidance.doc>.***

### **INTRODUCTION**

Since the initial passage of the *Elementary and Secondary Education Act of 1965 (ESEA)*, non-public school students and teachers have been eligible to participate in certain federal education programs. *ESEA*, as reauthorized by the Every Student Succeeds Act (ESSA) of 2017 includes 12 major programs that require equitable services to be provided to non-public school students, teachers, and other educational personnel, and, in some cases, families. These services are provided to students and teachers, not to non-public schools. Title III (language instruction for limited English proficient and immigrant students) is one of the programs that require equitable participation and therefore is held to the requirements in Title IX, Part E, Subpart 1 of *ESEA*.

### **PURPOSE OF THE GUIDANCE**

This guidance is intended to assist local education agencies (LEAs) and other entities [such as state education agencies (SEAs), educational service agencies, consortia of these agencies, non-profit organizations or institutions of higher education] receiving federal financial assistance to fulfill their obligations, under Title IX, Part E, Subpart 1 of *ESEA*, to provide equitable Title III services to eligible non-public school students, teachers, and other educational personnel, and, under some programs, to parents. The information is also meant to provide further guidance to non-public schools, both those participating in Indiana's Choice Scholarship Program and those who are not, to understand their roles and responsibilities.

### **CONSULTATION**

Consultation regarding Title III must occur with all non-public schools in an LEA's geographic area, including both non-public schools participating in the Choice program and non-public schools who are not participating in the Choice program. Consultation involves communication and discussions between LEAs and non-public school officials on key issues that are relevant to the equitable Title III participation of eligible non-public school students, teachers, and other education personnel in *ESEA* programs. Meaningful consultation provides a genuine opportunity for all parties to express their views and needs, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of non-public school students, teachers, and other education personnel.

Adequate notice of such consultation is critical in ensuring meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making. Successful consultation establishes positive and productive working relationships, makes planning effective, and serves to ensure that the services provided meet the needs of eligible students. Please see Appendix A of this document for a sample consultation timeline, checklist for LEAs, and other forms to help facilitate the consultation process.

## **COMPLAINTS AND BYPASS**

By engaging in timely and meaningful consultation and developing positive relationships with non-public school officials, an LEA can facilitate creation of a cooperative environment and minimize problems and complaints. If non-public school officials believe that timely and meaningful consultation has not occurred, they should first discuss this matter with the LEA official responsible for coordinating the consultation between the two entities. Non-public school officials may also contact the LEA superintendent or program director of the federally funded program to ask for assistance. An LEA must have developed a formal complaint process to resolve issues at the local level. If the response at the local level is not satisfactory, the non-public school official may contact the SEA official (Indiana Department of Education) responsible for ensuring that ESEA programs are implemented at the local level. Often, these steps will resolve the matter. In the event the problem is not resolved, non-public school officials have the right to file a formal written complaint with the SEA in accordance with 20 USC 7844, Sec 9304 (a)(3)(C), of the ESEA.

## **NON-PUBLIC SCHOOLS: CHOICE v. TRADITIONAL**

*Choice Non-public Schools:* Pursuant to IC 20-51-1-4.7, a Choice non-public school must meet certain requirements in order to be eligible for the Choice Scholarship Program, including the submission of student performance data required for an A-F accountability grade. One of the data collections needed to calculate an A-F grade is the DOE-LM report. Therefore, all Choice non-public schools must submit data regarding the English Learners and immigrant students in their schools, which includes administering the Home Language Survey, and if applicable, an English language proficiency assessment. (See pages 3 and 4 for HLS and assessment guidance)

A Choice non-public school may also choose to participate in Title III, which will provide a per-pupil allocation, per the DOE-LM, for the LEA to provide equitable services to identified English Learner students in non-public schools. The English language proficiency assessment will allow the school to provide accommodations on Indiana state assessments to its identified English Learner students per the students' Individual Learning Plans (ILPs).

*Traditional Non-public Schools (not participating in the Choice Scholarship Program):* If a non-public school elects to receive benefits of Title III programming, then it may be required to submit the DOE-LM report (see FAQ #4). Please note that Choice schools are required to submit the LM report for A-F accountability purposes regardless of participation in Title III programming.

## Non-public School Guidance – Choice and Traditional Non-public Schools

Non-public School Responsibilities	Choice Non-public School		Traditional Non-public School	
	Participates in Title III	Does Not Participate in Title III	Participates in Title III	Does Not Participate in Title III
DOE-LM Report	✓	✓	✓	Recommended
Administer Home Language Survey	✓	✓	✓	Recommended
Identifying English Learners via a placement test	✓	✓	✓	Recommended
Testing identified English Learner students annually	✓	✓	✓	Recommended
WIDA ACCESS materials provided by state	✓	✓	N/A	N/A
May request the LEA to use Title III funds to pay for the administration of the language proficiency assessment	✓	N/A	✓	N/A
Title III Equitable Services	✓	N/A	✓	N/A
Formal Two-Year Monitoring after student exits English Learner status	Recommended	Recommended	Recommended	Recommended
Individual Learning Plans (ILPs)	Recommended	Recommended	Recommended	Recommended
Annual Parent Notification	✓	Recommended	✓	Recommended

## LEA School Guidance (LEAs that participate in Title III)

LEA Responsibilities	Choice Non-public School		Traditional Non-public School	
	Participates in Title III	Does Not Participate in Title III	Participates in Title III	Does Not Participate in Title III
Offers initial consultation annually	✓	✓	✓	✓
Offers ongoing consultation through Title III participation	✓	Recommended	✓	Recommended

**Definitions:**

**DOE-LM Report:** IDOE data collection of non-English speaking students and immigrant students. Count date is Nov 1<sup>st</sup> of each year.

**Home Language Survey (HLS):** This [form](#) is administered to all students enrolling in Indiana for the first time (i.e. KDG or out-of-state transfers). Schools will request the original HLS for any student transferring from another Indiana school. Any student whose original HLS has a language other than English for any of the three questions is assessed for current English proficiency.

**Identifying English Learners via a placement test:** When a student enrolls with a Home Language Survey indicating a language other than English for any of the three questions, their English language proficiency is to be assessed via a placement test (though only if the student hadn't been previously identified as an English Learner by another Indiana school or another state in the [WIDA consortium](#). Students who receive an overall proficiency level between 1.0 – 4.9 enter English Learner status.

**Testing identified English Learners students annually:** Identified English Learners (levels 1.0 – 4.9) are tested with an annual English proficiency exam in the January/February window of each year.

**WIDA ACCESS materials provided by state:** The IDOE will provide access to the Kindergarten W-APT and the WIDA Screener (grades 1-12) to identify English learners and the WIDA ACCESS annual assessment that is administered to all limited English proficiency students. More information can be found in chapter 6 of the [IDOE Assessment Program Manual](#). The non-public school has the option to purchase and use a different English language proficiency assessment, which must be approved by the Indiana DOE.

**May request the LEA to use Title III dollars to purchase a language acquisition exam or to pay for the administration of the exam:** If the non-public school submits the DOE-LM report from the prior year and has agreed to participate in Title III, then the non-public school can consult with the LEA regarding testing administration costs using the per pupil equitable Title III funds.

**Title III Equitable Services:** Non-public schools that wish to participate in Title III and submit the DOE-LM report with at least one limited English proficient (LEP) student will consult with the LEA, participating in Title III, regarding the provision of per-pupil equitable Title III services. More information can be found via this [U.S. Department of Education presentation](#).

**Formal Two-Year Monitoring after student exits English Learner status:** Public schools are required by Title I to monitor exited English Learner students for two years after the student reaches fluent English proficiency (5.0 or above on the annual assessment) via a locally created form ([example](#)).

**Individual Learning Plan (ILP):** Identified English Learners (Levels 1.0 - 4.9) are eligible for an Individual Learning Plan (ILP). The ILP is a locally created form (sample found [here](#)) update with new ILP doc w/ACCESS where the school can provide the service plan for the student and provide accommodations on classroom and Indiana state assessments.

**Language Acquisition Services:** Provided to identified English Learners in order for the students to participate meaningfully in the regular education program by developing their English proficiency skills.

**Annual Parent Notification:** A [form](#) sent to parents of students participating in Title III to notify the parent of the student's current English language proficiency, service plan, and parental rights.

**LEA offers initial consultation:** All LEAs that participate in Title III are required to provide timely and meaningful initial consultation each year to non-public schools located in their geographic area, including both Choice and traditional non-public schools. Non-public schools may choose to participate. The LEA may use no more than 2 percent of an LEA sub-grant for administrative costs and indirect costs (Title III, Section 3115[b]b).

**LEA offers ongoing consultation through Title III participation:** Non-public schools who wish to participate in Title III will receive timely and meaningful consultation throughout the year from the LEA.

## Frequently Asked Questions regarding Title III and Non-public Schools

### FAQ #1: Who is responsible for initiating the consultation process?

A: The obligation to initiate the consultation process lies with the LEA that is responsible for providing equitable services. In most cases, the LEA contacts officials of non-public schools located within its jurisdiction to begin the consultation process on key issues that are relevant to the equitable participation of non-public school students, teachers and, in some cases, parents in ESEA programs. If this does not occur, non-public school officials should contact the LEA in which their school is located and ask to speak to the individual(s) responsible for administering ESEA programs.

### FAQ #2: When does consultation between public and non-public school officials occur?

A: Section 9501(c)(3) of ESEA requires that consultation between the LEA and non-public school officials occur **before** the LEA makes any decision (such as ordering materials or hiring staff) that affects the opportunities of non-public school children, teachers, and other educational personnel to participate in programs requiring their equitable participation. In order to ensure timely consultation, LEAs should begin the consultation process early enough in the decision-making process to allow for participation of non-public school students and teachers at the start of each school year. Therefore, the LEA should engage in a process of **timely and meaningful** consultation with non-public school officials and provide them with information related to the projected and/or final funding amounts for programs and services, including on the process the LEA will use in preparing its grant application. The LEA should also develop a process for determining mutual expectations for implementation and assessment of programs. In order to meet the requirements for timely and meaningful consultation, many LEAs begin consultation for the following school year in mid- to late-winter of the school year prior to the year covered by the plan.

### FAQ #3: What topics should be discussed during the consultation process between public and non-public school officials?

A: Section 9501(c)(1) of ESEA requires that LEAs consult with appropriate non-public school officials on such issues as:

- how the children's needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the equitable services to be provided to the eligible non-public school children, teachers, and other educational personnel and the amount of funds available for those services; and
- how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the non-public school officials on the provision of contract services through potential third-party providers.

### FAQ #4: May an LEA request that non-public school officials provide relevant documentation in order to participate in programs?

A: Yes. LEAs may request documentation, as needed, from non-public school officials that enables the LEA to identify students who are eligible under the applicable ESEA program and the appropriate services that meet the needs of those non-public school students and their teachers. Such documentation might include, but not be limited to, data indicating

the academic needs of students, as well as the professional development needs of teachers. However, the request for documentation should not constitute an administrative barrier that is inconsistent with the LEA's responsibility to ensure equitable participation of non-public school students and teachers. All non-public schools participating in the Choice Scholarship Program have agreed to submit certain data collections, including the DOE-LM (English learners and immigrant students), which involves administering an English language proficiency assessment to students based upon the Home Language Survey results. Non-public schools that do not participate in the Choice Scholarship Program but do wish to participate in Title III will also have to provide assessments results regarding their English Learners and immigrant students in order to provide per-pupil equitable services.

**FAQ #5: Should an LEA keep minutes or notes of consultation meetings?**

A: Meeting notes and minutes are good ways of documenting that timely and meaningful consultation has occurred. Both LEA and non-public school officials are encouraged to keep notes of consultation meetings that include information about issues addressed and decisions made. These notes may be used for later reference.

**FAQ #6: Should an LEA contact non-public school officials every year even if the non-public school officials have declined ESEA benefits and services in the past?**

A: Yes. On an annual basis, the LEA must contact non-public school officials and inquire as to whether the non-public schools' students and teachers will participate in the ESEA programs available to them. In order for an LEA's Title III application to be considered in substantially approvable form, then the LEA has to assure the IDOE that each non-public school in its geographic area has at least been notified of their ability to participate in Title III. Non-public schools, including both those who are participating in the Choice Scholarship Program and those that are not, will indicate whether they wish to participate. The LEA will participate in timely and meaningful consultation to meet the needs of the school's identified English Learner and immigrant students in non-public schools who wish to participate in Title III.

**FAQ #7: May an LEA set deadlines for submission of requests from non-public school officials for services and materials?**

A: Yes. Assuming that the LEA has provided clear and sufficient notice of the deadlines, identified potential consequences for not meeting the deadlines, and given adequate time for non-public school officials to gather the data and respond, LEAs may set a time limit for submission of requests for services and materials by non-public school officials. Additionally, the IDOE sets a deadline for the DOE-LM data submission for all schools, including both public and non-public, to submit their English learner and immigrant student data.

**FAQ #8: Are LEAs required to provide the amount of funds available for services for non-public school students and teachers?**

A: Yes. LEAs must provide non-public school officials with the amount of funding available for services for non-public school students and teachers under the various ESEA programs requiring equitable participation. The LEA will consult with the non-public school officials regarding the school's needs for its limited English proficient students in order to coordinate services.

**FAQ #9: Which non-public school students are eligible to receive Title III benefits?**

A: Identified English Learners who are enrolled in nonprofit non-public elementary and secondary schools, including those in religiously affiliated schools, located in the LEA are eligible to receive services.

**FAQ #10: Who pays the cost for administering programs for non-public school students?**

A: Just as an LEA pays the costs for administering programs for public school students, it pays the costs for administering programs for non-public school students. Administrative costs may be reserved from a program's total allocation (2% off the top) before the LEA determines the allocation for services and benefits for public and non-public school students and teachers. Additionally, a non-public school may wish to use its per-pupil Title III allocation to help administer or procure an English language proficiency assessment for its limited identified English Learners.

**FAQ #11: Who has control of the program funds?**

A: Under section 9501(d) of ESEA, the LEA must always maintain control of the program funds as well as title to all materials, equipment, and property purchased with federal funds.

**FAQ #12: May an LEA reimburse a non-public school for materials it has purchased or services it has procured to implement an ESEA program?**

A: No. Only the LEA may obligate and expend federal funds on behalf of non-public school students and teachers. Thus, the LEA must purchase materials or procure services on behalf of the non-public school students and teachers. However, an LEA may use federal funds to reimburse an individual non-public school teacher, administrator, or other educational personnel for professional development that the LEA has pre-approved and that meets the reasonable and necessary cost principles of the [Office of Management and Budget \(OMB\) Circular A-87](#).

**FAQ #13: What options are available to LEAs for expending funds for equitable services for non-public school students and teachers?**

A: In consultation with non-public school officials, the LEA may choose one or both of the following options for expending the funds reserved for equitable services for non-public school students and teachers.

1. Individual School-by-School Option: Provide equitable services to non-public school students and teachers based on the number of identified English Learners enrolled in the school, per DOE-LM data collection.

Example:

- Chapman Friends Schools has a K – 12 enrollment of 15 LEP students. The per-pupil allocation (PPA) for services under Title III is \$168.25 in SY2017-2018. Thus, the LEA has \$2,523.75 to provide services for identified English Learners and teachers in the school.
  - St. Columba School has a K – 8 enrollment of 20 students. Applying the same PPA, the LEA has \$3365.00 to provide services for identified English Learners and teachers in the school.
2. Pooling Option: Combine funds allocated for non-public school students and teachers for the two or more non-public schools interested in participating in this option to create a pool of funds from which the LEA provides equitable services to identified English Learners in non-public schools and teachers in some or all of these schools. However, an LEA may not pool funds across multiple ESEA programs for this purpose. If the LEA pursues this option, the LEA, in consultation with non-public school officials, establishes criteria to determine how services will be allocated among the non-public school students and teachers in different schools. Under this option, the services provided to non-public school students and teachers in any particular school are not dependent on the amount of funds generated by students and teachers in that



school, but rather by the amount of funds generated in total and the criteria developed for allocating services among the non-public school students and teachers.

Example:

- The LEA combines the total amount of funds generated for services for students and teachers in Chapman Friends School (\$2523.75) and St. Columba School (\$3365.00) in consultation with the two schools. The LEA has \$5888.75 to spend on Title III equitable services for all 35 identified English Learners in the two schools. In consultation with non-public school officials, the LEA then decides how the funding will be allocated for services to meet the various needs of the students and teachers. Under this option, the services provided to students and teachers in a particular non-public school are not dependent upon the amount of funding generated for services by the students in that school.

**FAQ #14: What services are offered if the needs of non-public school students and teachers are different from those of public school students and teachers?**

A: The LEA offers services that meet the specific educational needs of the participating non-public school students and teachers and that show reasonable promise of effectiveness. The services can be different from those provided to public school students and teachers, but must be allowable services under the particular ESEA program. In addition, all services and benefits provided must be secular, neutral, and non-ideological. (See section 9501(a)(1)–(2) of ESEA).

**FAQ #15: What are some service delivery mechanisms that an LEA may use to provide equitable services?**

A: An LEA may provide services to non-public school students and teachers through an employee of the LEA or through a contract with a third-party provider, an individual, an education institution, or some other agency that, in the provision of those services, is under the control and supervision of the LEA and is otherwise independent of the non-public school and any religious organization. (See section 9501(d)(2) of ESEA.) Additionally, the LEA may consult with the non-public school in order to utilize the Title III funds on quality professional development for teaching limited English proficient students, language development materials such as bilingual books, and other activities allowed by Title III.

For more information, visit:

[Title IX Equitable Services for Non-public Schools Non-Regulatory Guidance](#)

[Title III, Part A: Equitable Services to Non-public Schools Non-Regulatory Guidance](#)

[Office of Non-Public Education \(ONPE\) Non-public School Participation in Title III Programs](#)

[IDOE Office of English Learning and Migrant Education EL Guidebook](#)

## **Appendix A: Sample Consultation Timeline, Checklist for LEAs, and Other Forms**

### **Sample General Consultation Timeline**

<b>Sample Timeline for Local Education Agency (LEA) Consultation with Non-public School Officials</b>	
<b>Month</b>	<b>LEA Activity</b>
<b>September</b>	<ul style="list-style-type: none"> <li>▪ Begin programs and services.</li> <li>▪ Consult with non-public school officials about <i>current</i> programs and services implementation and modify as necessary.</li> </ul>
<b>October</b>	<ul style="list-style-type: none"> <li>▪ Continue consultation about <i>current</i> programs and services implementation.</li> </ul>
<b>November-December</b>	<ul style="list-style-type: none"> <li>▪ Consult with non-public school officials about the status of <i>current</i> programs and services.</li> <li>▪ Obtain complete list of all non-public schools with appropriate contact names for later use in mailing “Intent to Participate in Federal Education Programs” forms.</li> </ul>
<b>January</b>	<ul style="list-style-type: none"> <li>▪ Continue consultation with non-public school officials about the status of <i>current</i> programs and services.</li> <li>▪ Send “Intent to Participate” forms to all non-public schools in the LEA with a February deadline for returning the forms.</li> </ul>
<b>February - March</b>	<ul style="list-style-type: none"> <li>▪ Continue consultation with non-public school officials about the status of <i>current</i> programs and services.</li> <li>▪ Conduct a district-wide consultation meeting with all non-public school officials and provide a general overview of programs that will be available to their students and teachers in the <i>next</i> school year.</li> <li>▪ Provide non-public school officials with planning document* to prepare them for consultation about <i>next</i> year’s programs and services.</li> <li>▪ Consult with non-public school officials to identify students’ and teachers’ needs, discuss services and estimated funding figures, design programs, and establish priorities for the <i>next</i> school year.</li> </ul>
<b>April-May</b>	<ul style="list-style-type: none"> <li>▪ Evaluate programs and services for the <i>current</i> school year and make suggestions for modifying programs that will be implemented again in the <i>next</i> school year.</li> <li>▪ Continue consultation and planning for programs and services for <i>next</i> school year.</li> <li>▪ Complete plans for programs and services and set dates for when they will begin in the <i>next</i> school year.</li> <li>▪ Develop consultation timeline for the next school year.</li> </ul>
<b>June</b>	<ul style="list-style-type: none"> <li>▪ Finalize actions related to programs and services.</li> </ul>
<b>July-August</b>	<ul style="list-style-type: none"> <li>▪ Inform non-public school officials about the readiness of programs and services for the <i>upcoming</i> school year.</li> <li>▪ Provide program funding figures to non-public school officials for upcoming school year.</li> </ul>

\*See J-8: Sample Needs Assessment and Program Development Plan form. Note: This is not an official U.S. Department of Education document. It is provided for sample purposes only and should not be considered as a required document when administering ESEA programs.

## Sample Consultation Checklist for Local Education Agencies

- ☐ Send notice about ESEA programs (Intent to Participate form) to non-public school administrators asking if they are interested in having their students and teachers participate in ESEA programs.
- ☐ Schedule a consultation meeting with non-public school officials and provide information about the ESEA education programs (including competitive grants the LEA will apply for) available to eligible non-public school students and teachers, allowable activities, and the appropriate roles of public and non-public school officials.
- ☐ Obtain from non-public schools a list of names, roles, and level of authority of non-public school officials who should be included in the consultation process.
- ☐ In consultation with non-public school officials, develop a timeline for periodic consultation meetings throughout the implementation of programs and services.
- ☐ Discuss how the needs of eligible non-public school students and teachers will be assessed.
- ☐ Discuss the type of services that are available.
- ☐ Discuss how, where, and by whom the services will be provided.
- ☐ Address the size and scope of the services to be provided.
- ☐ Discuss how much funding is available for programs/services and how it was determined.
- ☐ Discuss program/services assessment and how results will be used to improve services.
- ☐ Discuss the use of a third-party provider and thoroughly consider the views of non-public school officials. If a request by non-public school officials for a third-party provider is declined, provide a written explanation as to the reasons why a contractor was not chosen.
- ☐ Inform non-public school officials about how and when the LEA will make decisions about the delivery of services and how and the LEA will inform them of such decisions.
- ☐ Discuss that all materials, equipment, programs and services must be supplemental and not supplant what otherwise would be made available absent the Federal funds.
- ☐ Request, if required by the district or State, a sign-off on the consultation process.
- ☐ Inform non-public school officials about policies, procedures and forms related to programs, services, equipment and materials for their students and teachers.
- ☐ Provide contact information to the non-public school officials.

**Note:** This is not an official U.S. Department of Education document. Adapted with permission from NCLB Private School Services, Local Education Agency Resource Guide, A Handbook for District Administrators, Orange County, Calif., Department of Education, 2006.

## Sample Intent to Participate Form

*Sample City Public School*

*ESEA Program Intent to Participate Form*

*School Year* \_\_\_\_\_

Date: \_\_\_\_\_

Non-public School Name: \_\_\_\_\_ School Code: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Non-public School Administrator: \_\_\_\_\_

ESEA Programs Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Enrollment: Pre-K: \_\_\_\_\_ KG: \_\_\_\_\_ 1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ 3<sup>rd</sup>: \_\_\_\_\_ 4<sup>th</sup>: \_\_\_\_\_ 5<sup>th</sup>: \_\_\_\_\_ 6<sup>th</sup>: \_\_\_\_\_ 7<sup>th</sup>: \_\_\_\_\_

8<sup>th</sup>: \_\_\_\_\_ 9<sup>th</sup>: \_\_\_\_\_ 10<sup>th</sup>: \_\_\_\_\_ 11<sup>th</sup>: \_\_\_\_\_ 12<sup>th</sup>: \_\_\_\_\_ TOTAL: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please place a check next to all programs\* in which you would like your students and teachers to participate.** (Non-public school students and teachers may receive benefits, services, and materials from these programs. Non-public schools do not receive direct funding from these programs. The LEA always maintains control of the funds.)

\_\_\_\_\_ **Title I, Part A – Improving Basic Programs Operated by LEAs**

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards and who live in Title I participating public school attendance areas.

\_\_\_\_\_ **Title I, Part B – Reading First**

Reading First provides funding to implement comprehensive reading instruction based on scientifically based reading research for children in kindergarten through third grade.

\_\_\_\_\_ **Title I, Part B, Subpart 3 – Even Start Family Literacy**

Even Start Family Literacy provides funding to partnerships of LEAs and other public and non-public entities to support family literacy programs that integrate early childhood education, adult education, parenting education, and literacy activities for low-income families and their children from birth through age seven.

\_\_\_\_\_ **Title I, Part C – Migrant Education**

Migrant Education provides financial assistance to improve education for migrant children.

\_\_\_\_\_ **Title II, Part A – Preparing, Training and Recruiting High Quality Teachers and Principals**

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high quality teachers. Non-public school teachers, principals, and other educational personnel are eligible to participate in professional development activities to the extent that the LEA uses funds to provide for professional development, but at least to the FY 2001 levels for non-public school teachers' professional development.

\_\_\_\_\_ **Title II, Part B – Mathematics and Science Partnerships**

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities.

\_\_\_\_\_ **Title II, Part D – Enhancing Education through Technology**

The Enhancing Education through Technology program provides funds for innovative initiatives to support the integration of education technology into classrooms to improve teaching and learning.

\_\_\_\_\_ **Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students**

The Language Instruction for Limited English Proficient (LEP) and Immigrant Students program provides funds for helping LEP students attain English proficiency and meet the same challenging State academic standards required of all students.

\_\_\_\_\_ **Title IV, Part A – *Safe and Drug-Free Schools and Communities***

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment that supports academic achievement.

\_\_\_\_\_ **Title IV, Part B – *21st Century Community Learning Centers***

The 21st Century Community Learning Centers (21st CCLC) program provides before-and after-school services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet State and local student performance standards in core academic subjects.

\_\_\_\_\_ **Title V, Part A – *Innovative Programs***

Innovative Programs support education reform and innovative school improvement programs to improve school, student and teacher performance. Non-public school students, teachers, and other education personnel may receive professional development, library materials, and educational resources and equipment.

\_\_\_\_\_ **Title V, Part D, Subpart 6 – *Gifted and Talented Students***

The Gifted and Talented Students program provides funding for demonstration projects in activities designed to enhance the ability of schools to meet the special education needs of gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities).

\* Some programs listed above are discretionary programs and the LEA may not necessarily participate in them.

Mail, Fax or E-mail this completed document to:

If you have questions, please contact *Sample Director* at phone #.

**Note:** This is not an official U.S. Department of Education document. The form is for sample purposes only and should not be considered as a required document when administering *ESEA* programs.

## Sample Title III Intent to Participate Form

**Date:**

**Contact Name:**

**Corporation Name:**

**Address:**

**City, State, Zip:**

**Re:** Intent to participate in Title III: Language Instruction for Limited English Proficient and Immigrant Students

To Whom It May Concern:

**(Insert school corporation name)** is sending this annual letter to inquire as to your interest in having your students and teachers participate in Title III services for the **(insert school year)**. Title IX, Part E, Sections 9501-9506 and Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662, require that timely and meaningful consultation occur between **(insert school corporation name)** and non-public school officials in regards to Title III. This consultation must occur before any decisions are made that affect the opportunities of non- public school children, teachers, and other educational personnel to participate in programs requiring their equitable participation. The consultation will continue to occur throughout the implementation and assessment of activities.

If you wish to participate in your Local Education Agency's Title III program, please complete the additional information on the following page and return to the contact person listed below. If you do not wish to participate, you must indicate that in the box below and return to the contact person listed below. Please return this form no later than **(insert date)**.

Additionally, if you choose to participate, our first consultation meeting will be held on **(insert date in March or April)**. During the first consultation meeting, we will specifically address the following:

- How the LEP students' needs will be identified;
- What services will be offered;
- How, where and by whom the services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the services to be provided to the non-public children and educational personnel;
- The amount of funds available for those services (based on identified English Learner enrollment count from two years prior);
- How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the non-public school officials on the provision of contract services through potential third party providers;
- Questions, comments, or suggestions by non-public school officials; and
- Create a timeline of consultation meetings for the next school year

Please be prepared to address the information outlined above in order to ensure that meaningful consultation

has occurred. If there are any additional items that you would like to add to this list, please contact **(insert contact name)** prior to our meeting on **(insert date of consultation meeting)**.

If you have any questions, comments, or concerns, please contact **(insert contact name)**. **(Insert school corporation name)** looks forward to working with you in the **(insert next school year)** school year!

Sincerely,

**(Insert contact information)**

-----  
Please indicate your intention for the **(insert next school year date)** school year:

School: \_\_\_\_\_

\_\_\_\_\_ Our school **does not** wish to participate in Title III services

\_\_\_\_\_ Our school **does** wish to participate in Title III services. Our school representative will be at the first consultation meeting on **(insert date of consultation meeting)**.

*\*Note: Non-public school students and teachers may receive benefits, services, and materials from Title III programs. Non-public schools do not receive direct funding from these programs. The LEA must always maintain control of the funds.*

#### **Definition of Services:**

#### **Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students**

The Language Instruction for identified English Learner and Immigrant Students program provides funds for helping students attain English proficiency and meet the same challenging State academic standards required of all students.

Mail, Fax or E-mail this completed document to:

**(Insert contact information)**

If you have questions, please contact **(insert contact)** at **(insert contact information)**



## Additional Information

If you have indicated that you would like to participate in Title III services, please fill out the following information and return with the preceding letter.

<b>Non-public School Name</b>	
<b>Address</b>	
<b>School Administrator Name</b>	
<b>Title III Program Administrator Name</b>	
<b>Phone Number/Fax Number</b>	
<b>E-mail</b>	
<b>Questions?</b>	

### Enrollment of identified English Learners:

Pre-K	K	1	2	3	4	5	6	7	8	9	10	11	12	Total

**School Administrator's Signature:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

## LEA Affirmation of Timely and Meaningful Consultation with Non-public School Officials

Title IX, Part E, of the No Child Left behind Act (2001), and Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662, require that timely and meaningful consultation occur between the local education agency (LEA) and non-public school officials prior to any decision that affects the opportunities of eligible non-public school children, teachers, and other educational personnel to participate in programs under this act. Consultation shall continue throughout the implementation and assessment of activities.

The following topics ***must*** be discussed during the initial consultation process:

1. How English Learner student's needs will be identified.
2. What services will be offered.
3. How, where and by whom the services will be provided.
4. How the services will be assessed and how the results of the assessment will be used to improve those services.
5. The size and scope of the services to be provided to the non-public school children and educational personnel.
6. The amount of funds available for those services.
7. How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the non-public school officials on the provision of contract services through potential third-party providers.

**Please read the following statement, check the box, and sign-off:**

- ☐ We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible non-public school children in the Title III program. We have collaborated with the public school program administrator in the design and development of the educational services to be provided to eligible children. Additional consultation has been scheduled throughout the school year to discuss the implementation of the Title III program.

---

Public School Official

Date

---

School Corporation

---

Non-public School Official

Date

---

Non-Public School

*\*Please make sure that both the LEA and non-public school retains a copy of this form for its records*

## Sample Consultation Meeting Attendance Sign-in Sheet

CONSULTATION MEETING ATTENDANCE SIGN-IN SHEET				
<i>Insert Date</i>				
<i>Insert Location</i>				
NAME	TITLE	SCHOOL NAME AND ADDRESS	PHONE #	E-MAIL

**Note:** This is not an official U.S. Department of Education document. It is provided for sample purposes only and should not be considered as a required document when administering *ESEA* programs.

## Sample Non-public School Consultation Meeting Agenda

<b>Non-public School Consultation Meeting</b>		
<b>Date:</b> <b>Time:</b> <b>Location:</b>		
<b>Meeting called by:</b>	<b>Type of meeting:</b>	
<b>Attendees:</b> <i>(Attach attendance sign-in sheet)</i>		
<b>----- Agenda -----</b>		
<b>Topics</b>	<b>Speaker</b>	<b>Time Allotment</b>
Welcome		
Resources for Non-Public Schools		
Title I, Part B		
Title II, Part A		
Title II, Part D		
Title III		
Title IV		
Title V		
Consultation Procedures		
Questions	All Staff	
<b>Other Information</b>		
<b>Resource persons:</b>		
<b>Special notes:</b>		

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## Sample Needs Assessment and Program Development Plan

[insert year] School Year

**School:**

**Address:**

**Enrollment:**

**Non-public School Official/Primary Contact:**

**Phone Number:**

**E-mail Address:**

**Title Program:** (check appropriate program/s)

\_\_\_\_ Title II, A – Teacher and Principal Training and Recruiting Fund

\_\_\_\_ Title II, D – Enhancing Education through Technology

\_\_\_\_ Title III, A – English Language Acquisition, Language Enhancement, & Academic Achievement

\_\_\_\_ Title IV, A – Safe and Drug-Free Schools and Communities

\_\_\_\_ Title IV, B – 21st Century Community Learning Centers

\_\_\_\_ Title V, A – Innovative Programs

### **Needs Assessment:**

Identify your students' academic needs and provide appropriate data for support. Prioritize needs, with most significant as #1. Identify your teachers' professional development needs as related to improving you students' academic achievement.

**Programs and Services:**

Describe the program, services or other activities you would like the school district to implement to address these identified needs. To the extent possible, include estimated cost of programs and services. Prioritize programs and services as related to meeting the needs noted above.

Describe how these services and programs will contribute to improving student academic achievement.

**Goal Setting:**

Write a suggested performance goal for your identified need and planned activities. (EXAMPLE: For an identified need of reading would be, "By \_\_\_\_\_ (**date**), students participating in planned activities will increase their reading scores by \_\_\_\_% (**growth percentage**)"; or, for an identified need to enhance instruction in differentiated learning, "All teachers participating in the professional development will include differentiated learning practices in their daily instruction."

**Evaluation Plan:**


Describe the formalized plan for determining the extent to which the goal was achieved.

**Non-public School Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please complete and submit this Needs Assessment and Program Development Plan by** [insert date] **and email/send to:** [Insert LEA contact and address, including phone number]

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## Sample Non-public School Consultation Meeting Log

	<p style="text-align: center;"><b>Non-public School Consultation Meeting Log</b></p> <p><b>Date:</b> _____</p> <p><b>Time:</b> _____</p> <p><b>Location:</b> _____</p>
---	--

**Meeting called by:** \_\_\_\_\_

**Type of meeting:** \_\_\_\_\_

**Attendees:** *(Attach attendance sign-in sheet)*

----- Agenda Topics -----		
<b>Welcome</b>	[Insert Name]	[Insert Time Allocation]
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:
<b>Resources for Non-public Schools</b>	[Insert Name]	[Insert Time Allocation]
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:
<b>[Insert Title Program]</b>	[Insert Name]	[Insert Time Allocation]
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:

<b>[Insert Title Program]</b>	<b>[Insert Name]</b>	<b>[Insert Time Allocation]</b>
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:
<b>Consultation Procedures</b>	<b>[Insert Name]</b>	<b>[Insert Time Allocation]</b>
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:
<b>Questions</b>	<b>All Staff</b>	<b>[Insert Time Allocation]</b>
Discussion:		
Conclusions:		
Action Items:	Person Responsible:	Deadline:

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## Sample Non-public School Consultation Planning Sheet

\_\_\_\_\_ School Year

School: \_\_\_\_\_

Non-public School Official: \_\_\_\_\_

<b>Funding Source</b>	[Insert <i>Title Program</i> requiring equitable participation of non-public school students and/or teachers.]
<b>Description</b>	
<b>Summary of Non-public School Students' and Teachers' Needs</b>	
<b>Services Requested for Students</b>	
<b>Professional Development Requested for Teachers/Staff</b>	
<b>Materials Requested</b>	
<b>How will the Services be Evaluated for Effectiveness</b>	
<b>Approval by District Coordinator</b>	

- ☐ Both parties agree on the program planning described
- ☐ Modifications to this plan will include:

\_\_\_\_\_

Signed:

\_\_\_\_\_  
LEA Director, ESEA Programs

\_\_\_\_\_  
Date

\_\_\_\_\_  
Non-public School Official

\_\_\_\_\_  
Date

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